

110TH CONGRESS
1ST SESSION

H. R. 2438

To amend title 18, United States Code, to deter public corruption.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2007

Mr. JORDAN of Ohio (for himself and Mr. ELLSWORTH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to deter public corruption.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Up Government
5 Act of 2007”.

6 **SEC. 2. APPLICATION OF MAIL AND WIRE FRAUD STATUTES**
7 **TO LICENCES AND OTHER INTANGIBLE**
8 **RIGHTS.**

9 Sections 1341 and 1343 of title 18, United States
10 Code, are each amended by striking “money or property”

1 and inserting “money, property, or any other thing of
2 value”.

3 **SEC. 3. VENUE FOR FEDERAL OFFENSES.**

4 (a) VENUE INCLUDES ANY DISTRICT IN WHICH
5 CONDUCT IN FURTHERANCE OF AN OFFENSE TAKES
6 PLACE.—Subsection (a) of section 3237 of title 18, United
7 States Code, is amended to read as follows:

8 “(a) Except as otherwise provided by law, an offense
9 against the United States may be inquired of and pros-
10 ecuted in any district in which any conduct required for,
11 or any conduct in furtherance of, the offense took place,
12 or in which the offense was completed.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) SECTION HEADING.—The heading for sec-
15 tion 3237 of title 18, United States Code, is amend-
16 ed to read as follows:

17 “§ 3237. Offense taking place in more than one dis-
18 trict”.

19 (2) TABLE OF SECTIONS.—The table of sections
20 at the beginning of chapter 211 of title 18, United
21 States Code, is amended so that the item relating to
22 section 3237 reads as follows:

“3237. Offense taking place in more than one district.”.

1 **SEC. 4. THEFT OR BRIBERY CONCERNING PROGRAMS RE-**
2 **CEIVING FEDERAL FINANCIAL ASSISTANCE.**

3 Section 666(a) of title 18, United States Code, is
4 amended by striking “ten years” and inserting “20
5 years”.

6 **SEC. 5. PENALTY FOR SECTION 641 VIOLATIONS.**

7 Section 641 of title 18, United States Code, is
8 amended by striking “ten years” and inserting “20
9 years”.

10 **SEC. 6. BRIBERY AND GRAFT.**

11 Section 201 of title 18, United States Code, is
12 amended—

13 (1) in subsection (b), by striking “fifteen years”
14 and inserting “30 years”; and

15 (2) in subsection (c), by striking “two years”
16 and inserting “five years”.

17 **SEC. 7. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF**
18 **PUBLIC MONEY OFFENSE.**

19 Section 641 of title 18, United States Code, is
20 amended by inserting “the District of Columbia or” before
21 “the United States”.

22 **SEC. 8. CLARIFICATION OF CRIME OF ILLEGAL GRATU-**
23 **ITIES.**

24 Paragraphs (A) and (B) of section 201(c)(1) of title
25 18, United States Code, are each amended by inserting

1 “the official’s official position or” before “any official
2 act”.

3 **SEC. 9. CLARIFICATION OF DEFINITION OF “OFFICIAL ACT”.**

4 Section 201(a)(3) of title 18, United States Code, is
5 amended by striking “any decision” and all that follows
6 through “profit” and inserting “any decision or action
7 within the range of official duty of a public official”.

8 **SEC. 10. AMENDMENT OF THE SENTENCING GUIDELINES**
9 **RELATING TO CERTAIN CRIMES.**

10 (a) DIRECTIVE TO SENTENCING COMMISSION.—Pur-
11 suant to its authority under section 994(p) of title 28,
12 United States Code, and in accordance with this section,
13 the United States Sentencing Commission forthwith shall
14 review and amend its guidelines and its policy statements
15 applicable to persons convicted of an offense under sec-
16 tions 201, 641, 666, 1962 of title 18, United States Code
17 in order to reflect the intent of Congress that such pen-
18 alties be increased in comparison to those currently pro-
19 vided by guidelines and policy statements.

20 (b) REQUIREMENTS.—In carrying out this sub-
21 section, the Commission shall—

22 (1) ensure that the sentencing guidelines and
23 policy statements reflect Congress’ intent that the
24 guidelines and policy statements reflect the serious
25 nature of the offenses described in paragraph (1),

1 the growing incidence of such offenses, and the need
2 for an effective deterrent and appropriate punish-
3 ment to prevent such offenses;

4 (2) CONSIDER THE EXTENT TO WHICH THE
5 GUIDELINES MAY OR MAY NOT APPROPRIATELY AC-
6 COUNT FOR.—

7 (A) the potential and actual harm to the
8 public and the amount of any loss resulting
9 from the offense;

10 (B) the level of sophistication and planning
11 involved in the offense;

12 (C) whether the offense was committed for
13 purposes of commercial advantage or private fi-
14 nancial benefit;

15 (D) whether the defendant acted with in-
16 tent to cause either physical or property harm
17 in committing the offense;

18 (E) the extent to which the offense rep-
19 resented an abuse of trust by the offender and
20 was committed in a manner that undermined
21 public confidence in the federal, state or local
22 government; and

23 (F) whether the violation was intended to
24 or had the effect of creating a threat to public

1 health or safety, injury to any person or even
2 death;

3 (3) assure reasonable consistency with other
4 relevant directives and with other sentencing guide-
5 lines;

6 (4) account for any additional aggravating or
7 mitigating circumstances that might justify excep-
8 tions to the generally applicable sentencing ranges;

9 (5) make any necessary conforming changes to
10 the sentencing guidelines; and

11 (6) assure that the guidelines adequately meet
12 the purposes of sentencing as set forth in section
13 3553(a)(2) of title 18, United States Code.

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